

Notice of Allowability

Application No.

09/622,706

Examiner

Lynda M Salvatore

Applicant(s)

HURST ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/24/03 and 12/18/03.
2. ☒ The allowed claim(s) is/are 1 and 4-15.
3. ☒ The drawings filed on 08/21/2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Applicant's amendments and accompanying remarks filed 11/24/03 and 12/18/03 have been fully considered and entered. Claim 1 and the specification have been amended and claims 2 and 3 have been canceled as requested. Applicant's amendment to claim 1 has been found sufficient to obviate the claim objection as set forth in section 3 of the Final Office Action. Applicant's cancellation of claims 2 and 3 renders moot the 35 U.S.C 103 (a) rejection set forth in section 5 of the Final Office Action. Applicant's amendment to claim 1 has been found sufficient to overcome the rejection of claims 1 and 4-15 rejected under 35 U.S.C. 103 (a) as being obvious over Banks, US 5,991,922. Specifically, the prior art of Banks fails to teach the limitations of having first electrically conductive yarns more widely spaced than the second electrically conductive yarns, and the second electrically conductive yarns are sharply bent by the structure of the strip of tape to promote a corona discharge. Thus, this rejection is hereby withdrawn. Applicant's amendments and accompanying remarks are found to patentably distinguish claims 1 and 4-15 over the prior art of Banks for reasons set forth herein below.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: Claims 1 and 4-15. Applicant amended claim 1 to include the limitations of having first electrically conductive yarns more widely spaced than the second electrically conductive yarns, and the second electrically conductive yarns are sharply bent by the structure of the strip of tape to promote a corona discharge and argues that the prior art of Banks fails to teach the combination of limitations presented in newly amended claim 1. Specifically, Applicant asserts that Banks does not teach the combination of relative yarn spacing between the first and second conductive yarns and

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corona discharge features. These arguments are found persuasive. The patent issued to Banks does teach a pantsuit woven from electrically conductive polyester fibers. The strands are spaced apart and oriented in a crisscross pattern. An electrically conductive ribbon edges the garment and works in conjunction with the electricity dissipation circuit. Banks discloses the conductive ribbon is made from a thermoplastic fabric comprising closely spaced apart conductive fibers, but fails to specifically teach the orientation of yarns of the conductive ribbon such that they are sharply bent as shown in figure 13 of the instant invention. Furthermore, Banks does not teach a corona discharge effect associated with conductive ribbon. Instead Banks teaches that the conductive ribbon is a collector of static electricity, which is discharged or removed through a separate electrical discharge means (Claim 1, Banks). Thus, claim 1 is allowable since the prior art of Banks does not teach or fairly suggest the inventive features of claim 1. In addition, dependent claims 4-15 are allowable as they depend directly or indirectly from claim 1. An updated art search did not produce any new substantial art for which to base a rejection and presently there is no motivation to combine references to form an obvious type rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 1, 2004

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700